HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 6732 of 2007

DATED: 3-04-2007

Between:

Goddeti Prasad

…Petitioner

and

The Revenue Divisional Officer,
Nellore, Nellore District and another

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6732 of 2007

ORAL ORDER:

The writ petition is misconceived.

The 1st respondent notified a vacancy for grant of authorization of a Fair Price Shop at Mamuduru Village, Chejerla Mandal, Nellore District on 15-11-2006. The petitioner received the intimation and appeared at the written examination on
4-2-2007 and attended the interview on 6-3-2007. The results have not yet been announced. The grievance of the petitioner is that the State Government in G.O.Ms.No.53, Civil Supplies Department, dated 6-10-2003 had issued guidelines for selection and appointment of Fair Price Shop Dealers under the Andhra Pradesh State Public Distribution System Control Order, 2001 (for short 'the Control order'), whereunder the competent authorities are required to announce the results on the next day of the interview and ought not to postpone the date of announcement of the results. As the results have not yet been announced despite the interview of the petitioner having over on 6-3-2007, the petitioner is before this Court.

The guidelines issued by the State Government in G.O.Ms.No.53 are administrative instructions intended to structure the discretion of the competent authorities under the Control order so as to effectively pursue the process of grant of authorization. These are not the statutory rules nor do the instructions in G.O.Ms.No.53 constitute a Control order under the Essential Commodities Act, 1955. It is not the

province of this Court to execute various administrative instructions issued by the State. Violation of purely administrative instructions, which do not have a statutory flavour, does not call for issue of mandamus. There is no reason for the petitioner to apprehend that the respondents would interminably delay the announcement of the results unless the respondents intend to cancel the process of selection and go in for a fresh notification.

For the aforesaid reasons, there are no merits and the writ petition is accordingly dismissed at the stage of admission, after hearing the learned Government Pleader for Civil Supplies also. There shall be no order as to costs.

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GODA RAGHURAM, J

3-04-2007
GRR